



DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-970]

Multilayered Wood Flooring from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review, Preliminary Determination of No Shipments, Preliminary Successor-in-Interest Determination, and Rescission of Review, in Part; 2020-2021

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that Zhejiang Fuerjia Wooden Co., Ltd. (Fuerjia) did not make sales of subject merchandise at less than normal value (NV), that certain companies had no shipments of subject merchandise during the period of review (POR) December 1, 2020, through November 30, 2021, that Arte Mundi Group Co., Ltd. (Arte Mundi Group) is the successor-in-interest to Arte Mundi (Shanghai) Aesthetic Home Furnishings Co., Ltd. (Arte Mundi Shanghai), and that Metropolitan Hardwood Floors, Inc. (Metropolitan) is part of the China-wide entity. Finally, we are rescinding the review with respect to certain companies. Interested parties are invited to comment on these preliminary results.

DATES: Applicable [Insert date of publication in the *Federal Register*].

FOR FURTHER INFORMATION CONTACT: Alexis Cherry or Max Goldman, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-6478 or (202) 482-0224, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on multilayered wood flooring (MLWF) from the People's Republic of China (China).¹ The review covers 49 companies, including mandatory respondents Fuerjia and Metropolitan.

For events that occurred since the *Initiation Notice* and the analysis behind our preliminary results herein, *see* the Preliminary Decision Memorandum.² The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>. A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice.

Scope of the Order³

The product covered by the *Order* is MLWF from China. For a complete description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.

Partial Rescission of Review

On February 7, 2022, Zhejiang Yuhua Timber Co. Ltd. (Zhejiang Yuhua) and A-Timber Flooring Company Limited (A-Timber) withdrew their requests for review.⁴ On April 13, 2022, the American Manufacturers of Multilayered Wood Flooring (the petitioner) withdrew its request for an administrative review with respect to Jiangsu Senmao Bamboo and Wood Industry Co.,

¹ *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 6487 (February 4, 2022) (*Initiation Notice*).

² *See* Memorandum, "Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Multilayered Wood Flooring from the People's Republic of China; 2020-2021," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

³ *See Multilayered Wood Flooring from the People's Republic of China: Notice of Amended Final Affirmative Determination of Sales at Less than Fair Value and Antidumping Duty Order*, 76 FR 76690 (December 8, 2011), as amended in *Multilayered Wood Flooring from the People's Republic of China: Amended Antidumping and Countervailing Duty Orders*, 77 FR 5484 (February 3, 2012) (collectively, *Order*).

⁴ *See* Zhejiang Yuhua and A-Timber's Letter, "Withdrawal of Request for Administrative Review," dated February 7, 2022.

Ltd. (Senmao),⁵ and on April 14, 2022, Senmao withdrew its request for review of itself.⁶ Finally, on April 25, 2022, Kingman Floors Co., Ltd. (Kingman Floors) withdrew its request for review of itself.⁷ No other parties requested a review of these four companies. Accordingly, Commerce is rescinding the administrative review with respect to Zhejiang Yuhua, A-Timber, Kingman Floors, and Senmao.⁸

Jiashan HuiJiaLe Decoration Material Co., Ltd. (Jiashan HuiJiaLe) also withdrew its request for an administrative review of itself.⁹ However, the petitioner also requested a review of Jiashan HuiJiaLe and did not withdraw its request.¹⁰ Accordingly, we are not rescinding the administrative review with respect to Jiashan HuiJiaLe.

Preliminary Determination of No Shipments

Based on an analysis of information from U.S. Customs and Border Protection (CBP), no-shipment certifications, and other record information, we preliminarily determine that 34 companies had no shipments of subject merchandise during the POR.¹¹ Consistent with our practice in non-market economy (NME) cases, we are not rescinding this review with respect to these companies but, rather, we intend to complete the review and issue appropriate instructions to CBP based on the final results of the review.¹²

Separate Rates

We preliminarily determine that, in addition to Fuerjia, four companies not individually-examined are eligible for separate rates in this administrative review.¹³ The Tariff Act of 1930, as amended (the Act), and Commerce's regulations do not address the establishment of a

⁵ See Petitioner's Letter, "Partial Withdrawal of Request for Administrative Review," dated April 13, 2022.

⁶ See Senmao's Letter, "Withdrawal of Request for Administrative Review," dated April 14, 2022.

⁷ See Kingman Floor's Letter, "Notice of Withdrawal of Request for 2020-2021 Administrative Review," dated April 25, 2022.

⁸ See 19 CFR 351.213(d)(1).

⁹ See Jiashan HuiJiaLe's Letter, "Notice of Withdrawal of Request for 2020-2021 Administrative Review," dated March 4, 2022.

¹⁰ See Petitioner's Letter, "Request for Administrative Review," dated December 30, 2021.

¹¹ See Appendix II for a list of these companies.

¹² See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694, 65694-95 (October 24, 2011) (*NME AD Assessment*).

¹³ See Appendix II for a list of these companies.

separate rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when determining the rate for separate-rate respondents that are not individually examined in an administrative review. Section 735(c)(5)(A) of the Act states that the all-others rate should be calculated by averaging the weighted-average dumping margins for individually examined respondents, excluding dumping margins that are zero, *de minimis*, or based entirely on facts available. Where the dumping margins for individually examined respondents are all zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use “any reasonable method” to establish the estimated all others rate.

For the preliminary results of this review, Commerce has determined the estimated dumping margin for Fuerjia to be zero. Consistent with the guidance of section 735(c)(5)(B) of the Act, and for the reasons explained in the Preliminary Decision Memorandum, we are assigning this rate to the non-examined respondents which qualify for a separate rate in this review.

The China-Wide Entity

Commerce’s policy regarding conditional review of the China-wide entity applies to this administrative review.¹⁴ Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity, the entity is not under review, and the entity’s rate, *i.e.*, 85.13 percent, is not subject to change.¹⁵

¹⁴ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

¹⁵ See *Multilayered Wood Flooring from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2016-2017*, 84 FR 38002 (August 5, 2019).

Commerce selected Metropolitan as one of two mandatory respondents in this administrative review.¹⁶ Metropolitan then notified Commerce that it did not intend to participate in the review.¹⁷ Because Metropolitan did not respond to the questionnaire, it has not established its eligibility for a separate rate despite submitting a timely separate rate certification.¹⁸ Therefore, Commerce considers Metropolitan to be part of the China-wide entity. *See* the Preliminary Decision Memorandum for further discussion.

Aside from the companies for which we preliminarily find had no shipments and the companies for which the review is being rescinded, Commerce considers all other companies for which a review was requested and did not demonstrate separate rate eligibility to be part of the China-wide entity.¹⁹ For the preliminary results of this review, we consider six companies, including Metropolitan, to be part of the China-wide entity.

Preliminary Results of Successor-in-Interest Analysis

Arte Mundi Group reported that during the POR, it changed its English name from Arte Mundi Shanghai to Arte Mundi Group.²⁰ Based on our analysis of the information on the record regarding any changes with respect to corporate structure, manufacturing facilities, customers, and suppliers, we preliminarily determine that Arte Mundi Group is the successor-in-interest to Arte Mundi Shanghai and, as a result, should be accorded the same treatment previously accorded to Arte Mundi Shanghai for cash deposit purposes. *See* the Preliminary Decision Memorandum for further information. Should our final results of review remain the same as

¹⁶ *See* Memorandum, “Second Respondent Selection,” dated May 5, 2022.

¹⁷ *See* Metropolitan’s Letter, “10th AD Administrative Review,” dated May 24, 2022.

¹⁸ *See* Metropolitan’s Letter, “Submission of Separate Rate Certification,” dated March 4, 2022; *see also* *Initiation Notice* (“Furthermore, exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.”)

¹⁹ *See* *Initiation Notice*, 87 FR at 6489 (“All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below.”). Companies that are subject to this administrative review that are considered to be part of the China-wide entity are listed in Appendix II.

²⁰ *See* Arte Mundi Group’s Letter, “No Shipment Letter for Arte Mundy {sic} Group/Arte Mundi Shanghai/Scholar Home in the 10th Administrative Review of the Antidumping Duty Order on Multilayered Wood Flooring from the People’s Republic of China,” dated March 7, 2022.

these preliminary results of review, effective the date of publication of the final results of review, we will instruct CBP to apply Arte Mundi Shanghai's cash deposit rate to Arte Mundi Group.

Methodology

We are conducting this administrative review in accordance with sections 751(a)(1)(B) of the Act and 19 CFR 351.213. We calculated export prices for Fuerjia in accordance with section 772(a) of the Act. Because China is an NME within the meaning of section 771(18) of the Act, we calculated NV in accordance with section 773(c) of the Act.

Preliminary Results of Review

We preliminarily determine that the following weighted-average dumping margins exist for the POR December 1, 2020, through November 30, 2021:

Exporters	Weighted-Average Dumping Margin (percent)
Zhejiang Fuerjia Wooden Co., Ltd.	0.00
Non-Selected Companies Under Review Receiving a Separate Rate ²¹	0.00

Disclosure and Public Comment

We intend to disclose to interested parties the calculations performed for these preliminary results in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.²² Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.²³ Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this review are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Executive summaries should be limited to five pages total, including footnotes.

²¹ See Appendix II.

²² See 19 CFR 351.309(c).

²³ See 19 CFR 351.309(d); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 17006, 17007 (March 26, 2020) ("To provide adequate time for release of case briefs via ACCESS, E&C intends to schedule the due date for all rebuttal briefs to be 7 days after case briefs are filed (while these modifications remain in effect).").

Case and rebuttal briefs should be filed using ACCESS²⁴ and must be served on interested parties.²⁵ Note that Commerce has modified certain of its requirements for serving documents containing business proprietary information, until further notice.²⁶

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically via Commerce's electric records system, ACCESS. An electronically-filed request must be received successfully in its entirety by 5:00 pm Eastern Time within 30 days after the date of publication of this notice.²⁷ Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.²⁸ Parties should confirm by telephone the date and time of the hearing two days before the scheduled date.

Unless otherwise extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case and rebuttal briefs, within 120 days of publication of these preliminary results in the *Federal Register*, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review, in accordance with 19 CFR 351.212(b)(1). Commerce intends to issue assessment instructions to CBP 35 days after the publication of the final results of this review. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries

²⁴ See generally 19 CFR 351.303.

²⁵ See 19 CFR 351.303(f).

²⁶ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

²⁷ See 19 CFR 351.310(c).

²⁸ See 19 CFR 351.310(d).

until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

If Fuerjia's *ad valorem* weighted-average dumping margin is not zero or *de minimis* (*i.e.*, less than 0.50 percent) in the final results of this review, Commerce will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total quantity of those sales, in accordance with 19 CFR 351.212(b)(1).²⁹ Commerce will also calculate (estimated) *ad valorem* importer-specific assessment rates with which to assess whether the per-unit assessment rate is *de minimis*. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate calculated in the final results of this review is not zero or *de minimis*.

For the respondents that were not selected for individual examination in this administrative review that qualified for a separate rate, the assessment rate will be the separate rate established in the final results of this administrative review.

If, in the final results, Fuerjia's weighted-average dumping margin continues to be zero or *de minimis* (*i.e.*, less than 0.5 percent), Commerce will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.³⁰ For entries that were not reported in the U.S. sales databases submitted by Fuerjia during this review, and for the companies that do not qualify for a separate rate, Commerce will instruct CBP to liquidate such entries at the China-wide rate (*i.e.*, 85.13 percent).³¹ In addition, if in the final results we continue to find no shipments of subject merchandise for the 34 companies for which we preliminarily find no such shipments during the POR,³² any suspended entries of subject merchandise associated with those

²⁹ In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

³⁰ See 19 CFR 351.106(c)(2).

³¹ See *Multilayered Wood Flooring from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2016–2017*, 84 FR 38002 (August 5, 2019).

³² See Appendix II for a list of these companies.

companies will be liquidated at the China-wide rate.³³

For the companies for which the administrative review is rescinded, antidumping duties shall be assessed at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). We intend to issue appropriate assessment instructions to CBP with respect to the companies for which this administrative review is rescinded 35 days after the publication of the preliminary results in the *Federal Register*.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for all shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) for the companies that have a separate rate, the cash deposit rate will be that rate established in the final results of this review (except, if the rate is *de minimis*, then a cash deposit rate of zero will be required); (2) for previously investigated or reviewed Chinese and non-Chinese exporters for which a review was not requested and that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity (*i.e.*, 85.13 percent); and (4) for all non-Chinese exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping

³³ See *NME AD Assessment*.

and/or countervailing duties prior to liquidation of the relevant entries during this review period.

Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

We are issuing and publishing the preliminary results of this review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, 19 CFR 351.213(d)(4), and 19 CFR 351.221(b)(4).

Dated: December 21, 2022.

Lisa W. Wang,
Assistant Secretary
for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Review
- IV. Scope of the *Order*
- V. Selection of Respondents
- VI. Preliminary Determination of No Shipments
- VII. Preliminary Successor-in-Interest Determination
- VIII. Discussion of the Methodology
- IX. Recommendation

Appendix II

No Shipments
Anhui Longhua Bamboo Product Co., Ltd.
Arte Mundi Group Co., Ltd. (successor-in-interest to Arte Mundi (Shanghai) Aesthetic Home Furnishings Co., Ltd.)
Benxi Flooring Factory (General Partnership)
Benxi Wood Company
Dalian Deerfu Wooden Product Co., Ltd.
Dalian Jiahong Wood Industry Co., Ltd.
Dalian Shengyu Science And Technology Development Co., Ltd.
Dongtai Fuan Universal Dynamics, LLC
Dun Hua Sen Tai Wood Co., Ltd.
Dunhua City Dexin Wood Industry Co., Ltd.
Dunhua City Hongyuan Wood Industry Co., Ltd.
Dunhua Shengda Wood Industry Co., Ltd.
HaiLin LinJing Wooden Products Co., Ltd.
Hunchun Xingjia Wooden Flooring Inc.
Huzhou Chenghang Wood Co., Ltd
Huzhou Sunergy World Trade Co., Ltd.
Jiangsu Keri Wood Co., Ltd.
Jiangsu Mingle Flooring Co., Ltd
Jiangsu Simba Flooring Co., Ltd.
Jiangsu Yuhui International Trade Co., Ltd.
Jiashan On-Line Lumber Co., Ltd.
Kingman Wood Industry Co., Ltd.
Linyi Anying Wood Co., Ltd.
Linyi Youyou Wood Co., Ltd.
Muchsee Wood (Chuzhou) Co., Ltd.
Pinge Timber Manufacturing (Zhejiang) Co., Ltd.
Power Dekor Group Co., Ltd.
Sino-Maple (Jiangsu) Co., Ltd.
Suzhou Dongda Wood Co., Ltd.
Tongxiang Jisheng Import and Export Co., Ltd.
Yekalon Industry Inc.
Zhejiang Longsen Lumbering Co., Ltd.
Zhejiang Shiyou Timber Co., Ltd.
Zhejiang Shuimojiangnan New Material Technology Co., Ltd.

China-Wide Entity
Jiashan HuiJiaLe Decoration Material Co., Ltd.
Jiaxing Hengtong Wood Co., Ltd.
Lauson Distinctive Hardwood Flooring, Inc.

Metropolitan Hardwood Floors, Inc.
Yihua Lifestyle Technology Co., Ltd. (successor-in-interest to Guangdong Yihua Timber Industry Co., Ltd.)
Yingyi-Nature (Kunshan) Wood Industry Co., Ltd.

Rescissions
A-Timber Flooring Company Limited
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd.
Kingman Floors Co., Ltd.
Zhejiang Yuhua Timber Co. Ltd.

Non-Selected Companies Under Review Receiving a Separate Rate
Dalian Penghong Floor Products Co., Ltd./Dalian Shumaike Floor Manufacturing Co., Ltd.
Huzhou Fulinmen Imp. & Exp. Co., Ltd.
Jiangsu Guyu International Trading Co., Ltd.
Zhejiang Dadongwu Greenhome Wood Co., Ltd.

[FR Doc. 2022-28273 Filed: 12/27/2022 8:45 am; Publication Date: 12/28/2022]